

UNITED STATES DISTRICT COURT  
DISTRICT OF NORTH DAKOTA

PHOENIX CAPITAL GROUP HOLDINGS, LLC,

Plaintiff,

vs.

INCLINE ENERGY PARTNERS, L.P.,

Defendant.

Civil Action No. 1:23-cv-00209

**PLAINTIFF'S NOTICE OF  
VOLUNTARY DISMISSAL UNDER  
FRCP 41**

Federal Rule of Civil Procedure 41(a) allows a plaintiff to voluntary dismiss an action without the need for a court order by filing a notice of dismissal before the opposing party serves either: (1) an answer, or (2) a motion for summary judgment.

Defendants have served neither in this case. Accordingly, Plaintiff hereby serves notice to this Court that Plaintiff voluntarily DISMISSES, without prejudice, the above-captioned action pending against the above-named defendants.

Therefore, Plaintiff respectfully requests that this Court dismiss the above-captioned case, without prejudice, in accordance with this notice.

Dated: March 25, 2025

Respectfully submitted,

/s/ Chad S. Hummel

MCKOOL SMITH, P.C.  
Chad S. Hummel Pro Hac Vice (SBN 135099)  
[chummel@McKoolSmith.com](mailto:chummel@McKoolSmith.com)  
Makenna Miller Pro Hac Vice (SBN 329244)  
[mmiller@McKoolSmith.com](mailto:mmiller@McKoolSmith.com)  
300 South Grand Avenue, Suite 2900  
Los Angeles, California 90071  
Telephone: (213) 694-1200  
Facsimile: (213) 694-1234

MCKOOL SMITH, P.C.  
Travis E. DeArman Pro Hac Vice  
[tdearman@McKoolSmith.com](mailto:tdearman@McKoolSmith.com)  
Gary Cruciani Pro Hac Vice  
[gcruciani@McKoolSmith.com](mailto:gcruciani@McKoolSmith.com)  
300 Crescent Court, Suite 1200  
Dallas, Texas 75201  
Telephone: (214) 978-4000  
Facsimile: (214) 978-4044  
Attorney for Plaintiff

*Attorneys for Plaintiff  
Phoenix Capital Group Holdings, LLC*